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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,877	03/12/2001	Hiroaki Irie	10873.642USW	7987

7590 10/22/2003
Merchant & Gould
PO Box 2903
Minneapolis, MN 55402-0903

EXAMINER

TRAN, THANG V

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 10/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/786,877

Applicant(s)

IRIE ET AL.

Examiner

Thang V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-10 and 12-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10,12-18 and 26-28 is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9 and 19-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-9, and 19-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Moribe et al. (US 5,818,812).

Moribe et al., according to Figs. 1-4 and 11, shows an optical recording medium (see Fig1) having a main information area (3) and subsidiary information area (1,2) for recording subsidiary information which is different from an information signal recorded in the main information area; the recording medium having an information layer (5) provided in the main information area for recording the information signal and also provided in a lead-in area (1,2) of the subsidiary information area (1,2); and medium identification for identifying the medium is recorded in the information layer provided in the lead-in area, as recited in claim 1. Note: the information related to the overlap of the spot of a light beam is directed to how information is recorded on the recording medium and has nothing related to a recording medium structure as claimed in claim 1. Therefore, no patentable weight is given to the limitation related to the overlap of the light beam spot.

Regarding claim 2, see recording film 6 in Figs. 2-4 and 11.

Regarding claim 5, 6, 8 and 9, see Figs. 1-4 and 11.

Regarding claim 7, see area (1,2) where pre-pits 10 and 21 are recorded.

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Regarding claim 19, see Figs. 1-4 and 11, shows an optical recording medium (see Fig1) having a main information area (3) and subsidiary information area (1,2) for recording subsidiary information which is different from an information signal recorded in the main information area; the recording medium having an information layer (5) provided in the main information area for recording the information signal and also provided in a lead-in area (1,2) of the subsidiary information area (1,2); and medium identification including an encryption key (identification code ID) is recorded in the information layer provided in the lead-in area.

Regarding claims 20-21, see information recorded on area 1, 2 shown in Fig. 2.

Regarding claim 22, see Figs. 1-4, 6, 8 and 11, shows an optical recording medium (see Fig1) having a main information area (3) and subsidiary information area (1,2) for recording subsidiary information which is different from an information signal recorded in the main information area; the recording medium having an information layer (5) provided in the main information area for recording the information signal and also provided in a lead-in area (1,2) of the subsidiary information area (1,2); and medium identification is recorded in the information layer provided in the lead-in area by a modulation method different from a modulation method for the information signal recorded on the main information area.

Regarding claim 23, see Fig. 6.

Regarding claims 24-25, see information recorded on area 1, 2 shown in Fig. 2.

Allowable Subject Matter

3. Claims 10, 12-18 and 26-28 are allowed over the prior art of record because the prior art of record, considered in combination or individually, fails to suggest or teach a recording method

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including all limitations as recited in claim 10 or an information recording medium including all features as recited in claim 26. Claim 11-12, 27 and 28 are allowed with their respective parent claim.


Cited References

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references related to an optical recording medium having main information area for recording main information signal and lead-in area for recording identification information of the recording medium.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (703) 308-1551. The examiner can normally be reached on Tuesday to Friday, from 7:30AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Thang V. Tran
Primary Examiner
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